

STAFF REPORT

May 8, 2003

No. 03VR002 - Vacation of Right-of-Way

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03VR002 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	225 East Watertown Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	03/31/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the vacation of right of way be denied without prejudice.

GENERAL COMMENTS: The applicant is proposing to vacate East Watertown Street right of way located north of Lots 1-3 in Block 7 of the Schnasse Addition. Currently the subject property is occupied by an apartment complex. A petition to vacate the right of way along East Watertown Street was originally initiated by the applicant on October 25, 2002. The Planning Commission denied without prejudice the applicant's original right of way vacation request on December 19, 2002.

STAFF REVIEW: According to Pennington County records, the owners of the land located adjacent to the segment of Watertown Street right of way proposed for vacation include the applicant, Donald and Anne Hamm, and Trena Davis. State statute requires that the vacation petition include the signatures of the owners of land located adjacent to the segment of right of way proposed for vacation. A signed petition was submitted with the vacation of right of way request.

Exhibit A: The vacation of right of way procedures requires that the applicant submit four vacation instruments marked "Exhibit A" prepared by a registered Professional Engineer or

STAFF REPORT

December 19, 2002

No. 02VR006 - Vacation of Right-of-Way

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Land Surveyor. The vacation instrument shall include book, page number and date of original plat dedicating right of way. This information was not submitted by the applicant.

Utilities: The vacation of right of way requires the permission of all affected utility companies. At the time of this writing, the utility companies serving this area have not responded to the vacation request.

Street Network: Watertown Street is located one block north of East North Street, a high traffic commercial district. The area surrounding East North Street is poised for redevelopment. Staff is concerned with vacating this portion of right of way in close proximity to East North Street. Currently, the Watertown Street right of way width is continuous without vacated portions. This continuous right of way width facilitates street maintenance and future utility improvements.

Staff cannot support the vacation of right of way at this time. Staff recommended denial without prejudice in December 2002, and the reasons for that recommendation still apply. As such, staff is recommending that the vacation request be denied without prejudice.